

**REMARKS**

Claims 1-11, 16 and 17 are pending in the application. Claims 4-11 were withdrawn from consideration and claims 1-3, 16 and 17 are under prosecution. Claim 1 has been amended to clarify the claimed invention. No new matter has been added by this amendment.

Claims 1-3 and 16-17 are rejected under 35 U.S.C. §102(b) as being anticipated by Brown (U.S. Patent No. 6,651,169). Applicant respectfully traverses this rejection and submits that Brown does not render the invention of claims 1-3 and 16-17 unpatentable.

The present invention provides a structure using a nucleic acid probe array in which probes are immobilized and a cover member for forming a chamber into which a liquid can be filled for supplying a liquid to each of the probes, on the array surface, wherein the liquid in the chamber can be conveniently heated. In contrast, Brown discloses a well plate configuration having a plurality of isolated wells and a cap for isolating each of the wells. Accordingly, applicant respectfully submits that the invention recited in claims 1-3 and 16-17 is not anticipated by Brown.

Applicant has not separately addressed the rejections of dependent claims 2-3 and 16-17. Applicant, however, reserves the right to present additional grounds for distinguishing the dependent claims over Brown should it be necessary or appropriate.

Appl. No. 10/602,464  
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**CONCLUSION**

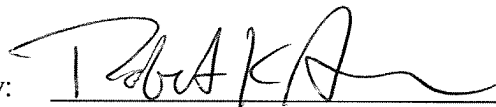
For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS AMENDMENT UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-5069.

Respectfully submitted,  
MORGAN & FINNEGAN, L.L.P.

Dated: May 8, 2007

By: \_\_\_\_\_



Robert K. Goethals  
Registration No. 36,813

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.  
3 World Financial Center  
New York, NY 10281-2101  
(212) 415-8700 Telephone  
(212) 415-8701 Facsimile